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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,154	01/25/2002	Jeffrey A. Rapaport	STEC-02012US0GGG	4077
32605	7590	05/28/2004	EXAMINER	
MACPHERSON KWOK CHEN & HEID LLP 1762 TECHNOLOGY DRIVE, SUITE 226 SAN JOSE, CA 95110			NGUYEN, PHUNG	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/058,154	<b>Applicant(s)</b> RAPAPORT ET AL.	
	<b>Examiner</b> Phung T Nguyen	<b>Art Unit</b> 2632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because:

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words . Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

Regarding claim 2, line 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

Regarding claim 6, line 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

Claims 3-5 are rejected for incorporating the above deficiency by dependency.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2632

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cairnes (U.S. Pat. 6,139,494) in view of Britton (U.S. Pat. 6,650,238).

**Regarding claim 11:** Cairnes discloses a method and apparatus for an integrated clinical tele-informatics system comprising interview formulation assisting means for assisting a user in formulating an interview that is to be delivered to one or more targeted persons (col. 11, lines 22-33); interview delivery scheduling means for scheduling time ranges in which attempts will be made to deliver one or more formulated interviews (col. 14, lines 32-40); but does not teach the claimed interview completion checking means for checking that a scheduled interview was timely conducted, or if not, for alerting a responsible person of the in-completion of the scheduled interview. However, Britton discloses communication path integrity supervision in a network system for automatic alarm system communication comprising automatically recognizing that an urgent action item task was not timely completed and adaptively alerting responsible entities of the task in-completion (abstract, and col. 8, lines 52-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cairnes and Britton because they both teach a monitoring alarm system. It is seen that Britton's teaching of generating an alert signal whenever any remote unit fails to meet its scheduled would extend the use of Cairnes's system.

**Regarding claim 14:** All the claimed subject matter is already discussed in respect to claim 11 above.

5. Claims 12, 13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cairnes (U.S. Pat. 6,139,494).

**Regarding claim 12:** Cairnes does not directly teach a decision tree having one or more dialog flow paths that are to be followed during automated carrying out of the adaptive dialog and a presentable data section for storing content-variable data. Since Cairnes teaches the decision support software 126 resides in workstation 122 (figure 1, col. 7, lines 60-67, and col. 8, lines 1-11) and a presentable data section for storing content-variable data (col. 11, lines 24-30), it would be obvious to the skilled artisan to recognize that the system of Cairnes including the decision tree and the presentable data section for storing content-variable data in order to help health providers to manage high volumes of patients.

**Regarding claim 13:** Cairnes discloses a collectable data section for storing response and/or non-response data generated during the automated carrying out of the adaptive dialog (col. 11, lines 30-33).

**Regarding claim 15:** Cairnes discloses managing delivery of one or more interviews through a manager-specific communications channel (col. 5, lines 51-58) and delivery scheduler (col.10, lines 28-44) but does not teach a delivery scheduler operatively coupled to the plural channel managers for delegating delivery-attempt responsibilities for specific messages to respective subsets of the plural channel managers and for undoing respective ones of said delegations when one of the channel managers succeeds in delivering a respective one of the specific messages. Since Cairnes teaches a communications link are cellular, or digital transmissions over the telephone network, it would be obvious to use a plurality of channel managers in the system of Cairnes for delegating delivery-attempt responsibilities for specific

messages and for undoing respective ones of said delegations when one of the channel managers succeeds in delivering a respective one of the specific messages in order to extend the use of the device.

**Regarding claim 16:** Cairnes discloses an application server for processing respective data communications under pre-assigned service-organization designations and a database 130 (col. 6, lines 5-10), Cairnes does not show that the database for storing respective, communication processing rules of respective ones of said pre-assigned service-organization designations; and persons records defining person attributes of respective persons who can have service-providing and/or service receiving roles under each of said service-organization designations. Since Cairnes discloses the database 130 as shown in figure 1, it would be obvious to recognize that the database 130 of Cairnes also stores processing rules of respective ones of said pre-assigned service-organization designations and persons records defining person attributes of respective persons who can have service-providing and/or service receiving roles under each of said service-organization designations.

***Allowable Subject Matter***

6. Claims 7-10, and 17 are allowed.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Brown [U.S. Pat. 5,897,493] discloses a monitoring system for remotely querying individuals.



b. Rapaport et al. [U.S. Pat. 5,926,526] disclose method and apparatus for automated patient information retrieval.

c. Brown [U.S. Pat. 5,307,263] discloses a modular microprocessor-based health monitoring system.

d. Kehr et al. [U.S. Pat. 5,954,641] disclose a method, apparatus and operating system for managing the administration of medication and medical treatment regimens.

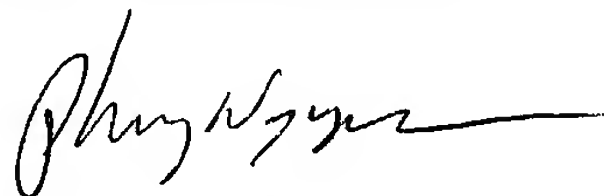
e. Keene [U.S. Pat. 5,325,294] discloses a medical privacy system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Examiner: Phung Nguyen



Date: May 21, 2004